

To: Mayor Bell and City Council Members

From: Thomas J. Bonfield, City Manager

Date: May 5, 2011

Subject: Boards, Committees and Commissions Review

Executive Summary

The Administration has been reviewing various City boards, committees, and commissions to identify opportunities for efficiency. As a result of our review, the Administration is recommending changes to several City boards, committees and commissions that will streamline operations, improve efficiency and eliminate duplication.

Recommendation

The Administration recommends that the following committees and boards be dissolved:

Capital Program Advisory Committee (CPAC) - The members of the CPAC support the Administration's recommendation. The resolution authorizing the dissolution is attached. (See attachment 1).

Lyon Park Advisory Board – A formal Advisory Board is no longer necessary because the Board is no longer functioning and has not met in approximately one year. In addition, Calvary Ministries of the West End Community, Inc now operate the facility. The resolution authorizing the dissolution is attached. (See attachment 2).

Cable Television Advisory Board – Pursuant to City Code Section 50-422 (b), Council shall rescind all appointments to the Cable Television Advisory Board. The resolution authorizing the dissolution is attached. (See attachment 3).

Design District Review Team (DDRT) – The DDRT was created in the UDO to be an advisory group on the relatively new form-based development rules that were created to guide the development of the downtown district. A staff analysis shows that the information provided by the DDRT can be assembled and considered in conjunction with the work of the Development Review Board (DRB). The full process of dissolution and of assimilating the DDRT functions into the DRB is a complex process and can be completed by April, 2012.

Towing Committee – The purpose for which this Committee was created is no longer needed.

Background

The background of each board and commission is outlined below.

Cable TV Advisory Board

Because the state of North Carolina is now the exclusive franchising authority for cable service, the City no longer has the authority to enforce or monitor cable television activities on behalf of the citizens of Durham.

In January 2007, with changes in state franchising law (House Bill 2048) ending local municipal franchise agreements, the City of Durham no longer has a franchise agreement with Time Warner Cable, a service provider. Since 1971, an advisory group or board has existed with members appointed by City Council to initially draft and then monitor the City's franchise agreement with a selected provider, which has been Time Warner Cable.

On December 4 and 18, 1972 City Council first approved a Cable Franchise ordinance (No. 3633). According to minutes, a group was appointed to draft a CATV franchise for the City around November or December 1971. After the ordinance was approved, the then City Manager recommended the appointment of a person or group to oversee "the implementation and operation of the cable television system. This person or group might insure compliance with FCC rules and the City's ordinance in connection with the fulfilling of construction timetables, the quality of reception, local programming and subscriber complaints." According to minutes of May 3, 1973, City Council accepted the Manager's report. Minutes show that since 1973, City Council has appointed members to the advisory committee or board. With the end of the City's franchise agreement in 2007, the City no longer provided support to the board. Currently, the appointed members of the board do not meet.

Effective January 2007, the City of Durham no longer has a franchise agreement with a cable provider, negating the need for a cable advisory board, which was formed to ensure compliance with FCC rules and the City's ordinance, #9172 (Sec. 14,11) last approved by City Council on 10/1/1990. Since these duties have now been assumed by the State, the duties of the board are no longer needed.

In May 2009, the City of Durham contracted with the People's Channel to air programming produced by community producers in the City for \$55,000, as did Durham County Government. The contract expired in October 2010, and the City has since provided \$20,000, as did the County, to support the People's Channel to continue airing programming and operating the Time Warner Cable channel 18, provided by Time Warner in its franchise agreement with the State. People's Channel has assembled a representative group of Durham producers to continue to represent their production needs and desires.

As per the State franchise agreement, complaints about the cable system are now directed to the State Attorney General's office. The City of Durham has no authority, nor means to resolve complaints. Citizens are directed to the State Office on the City's website.

Capital Program Advisory Committee (CPAC)

The current CPAC committee members recommend that the Capital Program Advisory Committee (CPAC) be dissolved. This recommendation is made for the following reasons:

The CPAC was formed in 2005 to review quarterly updates on the status of funded capital projects, in particular those associated with the 2005 bond referendum (\$110 million). A majority of these projects are either complete or in the final stages of completion. The current CPAC members agree that the committee has served its purpose. For the last two years the majority of projects have received a Green light status (at a minimum 93% of the projects), meaning the projects are on schedule.

The Committee has had challenges filling vacancies. According to the by-laws, the CPAC is to have nine (9) appointments at a minimum. In recent months there were only five (5) members. Quorum constitutes the presence of five (5) members, meaning if someone fails to attend a meeting, the committee cannot conduct its business.

CPAC members who may wish to continue to work in the interest of stewarding the City's physical assets, can participate as a member of the Citizens Capital Improvement Panel (CCIP). The CCIP continues to meet on a regular basis to review capital projects. There are currently 3 members of the CPAC who are also members of the CCIP. The status of capital projects can continue to be monitored at <http://ww2.durhamnc.gov/cip/Index.cfm>. The staff will continue to provide the report to City Council on a quarterly basis.

Design District Review Team (DDRT)

The Design District Review Team was created in the UDO to be an advisory group on the relatively new form based development rules that were created to guide the development of the downtown district. This group works primarily by reviewing projects with a purpose of creating outcomes that promote architectural harmony between existing and historical architecture, and new projects that are developed under the form based rules. Results are provided in an advisory capacity to the work of the City/County Planning Department.

Subsequent to its work in the downtown area, the work of the DDRT began to include other districts and overlay areas that were also created with form based rules. The schedule of activities and workloads of the DDRT is very light in terms of volume. Since January, 2011, at least two meetings had no action items. A staff analysis recommends that the information provided by the DDRT can be assembled and considered in conjunction with the work of the Development Review Board (DRB). The DRB is charged with approving development projects that are in compliance with all aspects of the UDO.

Dissolving the DDRT will require a text amendment to the UDO which is a relatively complex process that involves several legally required steps. It is projected that the full process of dissolution and of assimilating the DDRT functions into the DRB can be completed by April, 2012.

Lyon Park Advisory Board

The Lyon Park Advisory Board was established on June 3, 2002 with the intent to advise the City Council on: (1) A Master Plan; (2) Programs, resources and needs of the center; and (3) the fiscal resources needed to operate the center and strategies for management of the center and its budget by Calvary Ministries of West End, Inc.

The board was comprised of (11) members. Two members represented Calvary Ministries, one represented the Recreation Advisory Commission and one represented

PAC 3. The other (7) members represented the surrounding neighborhoods: Burch Avenue, Lakewood, Tuscaloosa-Lakewood, Forest Hills, Lyon Park, Moore Hills and West End.

Based on the by-laws dated back to June 4, 2004, the board was required to hold monthly meetings. As of May 18, 2004 several members appointed to represent the board were not in attendance. It was stated that previous Center Director attempted to recruit members by distributing applications in association meetings. Her efforts to find applicants to fill the positions were unsuccessful.

On March 18, 2010 during a City Council Work Session, Mayor Pro-Tempore Cora Cole-McFadden asked if the Lyon Park Advisory Board was needed. Reverend Frederick Davis from Calvary Ministries stated no. Calvary Ministries has offered an “ex officio” seat for a City official on their board.

Towing Committee

In February 2002, the City Council created this city council subcommittee to address concerns of the towing industry. At that time, the Mayor appointed three City Council members to the subcommittee. Matters related to towing will be handled by the Durham Police Department through City administration and the towing ordinance. Towing matters do not need to be heard at the Council level through a Council subcommittee but rather should be dealt with as necessary through the standard City Council process via the City Manager.

Issues/Analysis

The work of each of these boards and commissions can be effectively and efficiently handled through an alternative means thus reducing the number of City boards and commissions. The dissolution of these boards will not cause any gaps in service. All City appointed boards require some significant amount of staff time to prepare agendas, background materials, minutes, etc.

Alternatives

The City Council may elect to continue these boards, committees and commissions though they no longer meet a need in the City’s operating and policy structure.

Financial Impact

The dissolution of these boards, committees and commissions will not have a material fiscal impact to the City of Durham.

SDBE Summary

Not applicable to this item.

Attachments:

1. Resolution dissolving CPAC
2. Resolution dissolving Lyon Park Advisory Board
3. Resolution dissolving Cable Television Advisory Board
4. List of City Boards, Committees and Commissions
5. List of members of Boards recommended for dissolution

Attachment 1

RESOLUTION AUTHORIZING THE DISSOLUTION OF THE CAPITAL PROGRAM ADVISORY COMMITTEE

WHEREAS, the Capital Program Advisory Committee (CPAC) was formed in 2005 to review quarterly updates on the status of funded capital projects, in particular those associated with the 2005 \$110 million bond referendum.

WHEREAS, the majority of those projects are complete or are in the final stages of completion; and

WHEREAS, the current CPAC members agree that the CPAC has served its purpose and recommend its dissolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

1. The Council hereby dissolves the Capital Program Advisory Committee that served as an advisory committee to the City Manager and City Council regarding the City of Durham's capital improvement program.
2. The Council hereby repeals the By-Laws of the Capital Program Advisory Committee.
3. The resolution is effective upon adoption.

Attachment 2

RESOLUTION AUTHORIZING THE DISSOLUTION OF THE LYON PARK ADVISORY BOARD

WHEREAS, the Lyon Park Advisory Board was established on June 3, 2002, with the intent to advise the City Council on the Lyon Park Community Center specifically concerning: (1) A Master Plan (2) Programs, resources, and needs of the Center, and (3) the fiscal resources needed to operate the center and strategies for management of the center and its budget; and

WHEREAS, because the Calvary Ministries of the West End Community, Inc. solely operating the Lyon Park Community Center the advisory board is no longer needed; and

WHEREAS, the Calvary Ministries of the West End Community, Inc. and the City Administration are in agreement that the advisory board is no longer needed.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

1. The Council hereby dissolves the Lyon Park Advisory Board that served as an advisory board to the City Council regarding the Lyon Park Community Center.
2. The Council hereby repeals the By-Laws of the Lyon Park Advisory Board.

This resolution is effective upon adoption.

Attachment 3

RESOLUTION AUTHORIZING THE DISSOLUTION OF THE CABLE TELEVISION ADVISORY BOARD

WHEREAS, in 1973, the City Council created the Cable Television Advisory Board to oversee the implementation and operation of the cable television system to insure compliance with Federal Communications Commission (FCC) rules and the City's ordinance in connection with the fulfilling of construction timetables, the quality of reception, local programming and subscriber complaints of cable television;

WHEREAS, the State of North Carolina is now the exclusive franchising authority for cable television service; and

WHEREAS, the City of Durham no longer has the authority to enforce or monitor cable television activities on behalf of the residents of Durham; and

WHEREAS, the City of Durham no longer has a franchise agreement with a cable provider negating the need for a cable advisory board.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

1. The Council hereby dissolves the Cable Television Advisory Board that serves as an advisory board to the City Council regarding the cable television franchise.
2. The Council hereby rescinds all appointments to the Cable Television Advisory Board pursuant to City Code §50-422.

This resolution is effective upon adoption.

Attachment 4

CITY COUNCIL APPOINTED BOARDS, COMMITTEES AND COMMISSIONS

Audit Services Oversight Committee
Cable TV Advisory Committee
Capital Program Advisory Committee
Citizens Advisory Committee
Convention & Visitors Bureau Board of Directors
Design District Review Team
Durham Bicycle and Pedestrian Advisory Commission
Durham Board of Adjustment
Durham City-County Appearance Commission
Durham Convention Center Authority
Durham Cultural Advisory Board
Durham Housing Authority Board of Commissioners
Durham Open Space & Trails Commission
DPAC Oversight Committee
Durham Planning Commission
Environmental Affairs Board
EBOP Advisory Committee
Firefighter's Relief Fund Board of Trustees
Historic Preservation Commission
Homeless Services Advisory Committee
Housing Appeals Board
Human Relations Commission
Lyon Park Advisory Board
Passenger Vehicle For Hire Commission
Raleigh-Durham Airport Authority
Recreation Advisory Commission
Triangle Transit Authority
Workforce Development Board

Attachment 5

BOARD MEMBERS

CAPITAL PROGRAM ADVISORY COMMITTEE

Harold L. Chestnut
Regina DeLacy
Khalid Hawthorne
Pam Karriker
Michael J. Kriston
Russell L. Schoudt
Charles D. Watts, Jr.

CABLE TV ADVISORY BOARD

Warren L. Herndon
Angie Elkins
Timothy D. Crone

DESIGN DISTRICT REVIEW TEAM

Scott Harmon

LYON PARK ADVISORY BOARD

Karin Douglas
Alicia Grant

TOWING SUBCOMMITTEE (Appointed by the Mayor)

Cora Cole-McFadden
Howard Clement, III